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10/693,403	10/24/2003	James R. Stinger	10992509-2	1929

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EXAMINER

COLAN, GIOVANNA B

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,403	Applicant(s) STINGER, JAMES R.	
	Examiner Giovanna Colan	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6, 8, 11, 13-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7, 9, 10, 12 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant filed application on 10/24/2003.
2. Claims 1, 3 – 5, 7, 9 – 10, 12, and 15 – 17 are pending. Claims 2, 6, 8, 11, and 13 – 14 are cancelled as stated in the preliminary amendment, on date 10/24/2003.
3. The information disclosure statement (IDS) submitted 01/20/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).
5. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.
6. Claim 1, 3 – 5, 7, 9 – 10, 12, and 15 – 17 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 – 11 of prior U.S. Patent No. 6,757,870 B1. This is a double patenting rejection.

7. The following table shows the claims 1, 3 – 5, 7, 9 – 10, 12, and 15 – 17 in the instant application “10/693,403” that are rejected by corresponding claims 1 – 11 in U.S. Patent No. 6,757,870 B1.

Claims Comparison Table:

6,757,870 B1	6,757,870 B1
Claim 1	Claims 1 – 2
Claim 3	Claim 3
Claim 4	Claim 1
Claim 5	Claim 4
Claim 7	Claims 1 – 2
Claim 9	Claim 8
Claim 10	Claim 7 and 9
Claim 12	Claim 9
Claim 15	Claim 11

8. Regarding Claims 1, 3 – 5, 7, 9 – 10, 12, and 15, of the instant application, are duplicate of claims 1 – 11 of U.S. Patent No. 6,757,870 B1. Claims 1, 3 – 5, 7, 9 – 10, 12, and 15 are broader claims from the U.S. Patent No. 6,757,870 B1, which has more specific processes. The application 6,757,870 B1 covers broader claims, as discussed above, which does not have specific processes; and therefore could use the specific

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processes covered by the claims in the U.S. Patent No. 6,757,870 B1. As a result, 1, 3 – 5, 7, 9 – 10, 12, and 15 are rejected under double patenting rejection.

9. Claims 16 – 17 are objected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 1, 3 – 5, 7, 9 – 10, 12, and 15 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Alam et al. (Alam hereinafter) (US Patent No. 6,336,124 B1, filed: October 1, 1998).

Regarding Claim 1 and 7, Alam discloses a computer-readable medium having stored thereon sequences of instructions, said sequences of instructions including

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instructions which, when executed by a processor, cause said processor to perform the steps of:

- a) receiving a page description language representation of the document (Col. 6, lines 24 – 28, Alam) for providing a list of words in the document (Col. 6, lines 57 – 59, words, Alam) and position information for the words (Col. 6 and 7, lines 54 – 57 and 60 – 63; respectively, X and Y coordinates, Alam); and
- b) automatically identifying table data in the document based on the page description language representation of the document and at least one table identifying feature (Col. 7, lines 26 – 28 and 32 – 35, Alam), wherein the identifying step includes:
 - b1) dividing the document into one or more pages (Col. 15, lines 56 – 58, dividing into sub-pages, Alam);
 - b2) dividing each page into a plurality of lines (Col. 15, lines 57 – 60, Alam);
 - b3) for each line (Col. 8, lines 57 – 60, Alam), clustering the words of the line into one or more word clusters (Col. 9, lines 1 – 6, Alam¹);
 - b4) automatically identifying table data in the document based on the number of word clusters for each line and the alignment of the word clusters between lines (Col. 12, lines 47 – 49 and 51 – 52, Alam).

Regarding Claim 3, Alam discloses a method wherein the step of automatically identifying table data in the document based on the number of word clusters for each line and the alignment of the word clusters between lines (Col. 12, lines 47 – 49 and 51 – 52, Alam) further comprises:

b4_1) using the word clusters to generate column position information (Col. 9 and 18, lines 10 – 12 and 9 – 12; respectively, Alam); and

b4_2) updating the column position information (Col. 10, lines 42 – 45, Alam²) by performing a union operation between the column position information of the previous line (Col. 10, lines 26 – 29, Y coordinates of the previous lines, Alam) and the column position information of the current line (Col. 10, lines 24 – 27, Y coordinates of the selected lines, Alam).

Regarding Claim 4, Alam discloses a computer-implemented method of identifying table data in a document comprising the steps of:

a) receiving a page description language representation of the document (Col. 6, lines 24 – 28, Alam) for providing a list of words in the document (Col. 6, lines 57 – 59, words, Alam) and position information for the words (Col. 6 and 7, lines 54 – 57 and 60 – 63; respectively, X and Y coordinates, Alam); and

¹ Wherein examiner interprets the step of determining the spacing between words as the step of clustering the words claimed.

² Wherein examiner interprets the step of determining that the line is not near the current paragraph as the step of updating position information claimed.

- b) automatically identifying table data in the document based on the page description language representation of the document and at least one table identifying feature (Col. 7, lines 26 – 28 and 32 – 35, Alam), wherein said step of automatically identifying table data in the document based on the page description of the document and at least one table identifying feature includes;
- b1) automatically determining a table bounding box for each table in the document (Col. 2, lines 40 – 44, Alam³);
 - b2) expanding each table bounding box based on a text density feature (Col. 9 and 18, lines 63 – 65 and 61 – 63; respectively, Alam⁴); and
 - b3) converting the table data encompassed by each table bounding box to a markup language representation (Col. 21, lines 46 – 51, Alam).

Regarding Claim 5, Alam discloses a method wherein receiving a page description language representation of the document for providing a list of words in the document and position information for the words includes receiving a PDF representation of the document (Col. 2, lines 1 – 5, portable document format (PDF), Alam), and wherein converting the table data encompassed by each table bounding box to a markup language representation includes converting the table data encompassed by each table bounding box to a HTML representation (Col. 6, lines 42 – 47, Alam).

³ Wherein examiner interprets the linked table of contents page as the table bounding box claimed.

Regarding Claim 9, Alam discloses a computer-readable medium further containing instructions which, when executed by said processor, would cause said processor to perform the steps of:

b4_1) using the word clusters to generate column position information (Col. 9 and 18, lines 10 – 12 and 9 – 12; respectively, Alam); and

b4_2) updating the column position information (Col. 10, lines 42 – 45, Alam⁵) by performing a union operation between the column position information of the previous line (Col. 10, lines 26 – 29, Y coordinates of the previous lines, Alam) and the column position information of the current line (Col. 10, lines 24 – 27, Y coordinates of the selected lines, Alam).

Regarding Claim 10, Alam discloses a computer-readable medium having stored thereon sequences of instructions, said sequences of instructions including instructions which, when executed by a processor, cause said processor to perform the steps of:

a) receiving a page description language representation of the document (Col. 6, lines 24 – 28, Alam) for providing a list of words in the document (Col. 6, lines 57 – 59, words, Alam) and position information for the words (Col. 6 and 7, lines 54 – 57 and 60 – 63; respectively, X and Y coordinates, Alam); and

⁴ Wherein examiner interprets the step of adding a selected word (Col. 9, lines 63 – 65, Alam) as the step of expanding each table bounding box claimed.

⁵ Wherein examiner interprets the step of determining that the line is not near the current paragraph as the step of updating position information claimed.

- b) automatically identifying table data in the document based on the page description language representation of the document and at least one table identifying feature (Col. 7, lines 26 – 28 and 32 – 35, Alam), wherein said step of automatically identifying table data in the document based on the page description of the document and at least one table identifying feature includes,
- b1) automatically determining a table bounding box for each table in the document (Col. 2, lines 40 – 44, Alam⁶);
- b2) expanding each table bounding box based on a text density feature (Col. 9 and 18, lines 63 – 65 and 61 – 63; respectively, Alam⁷); and
- b3) converting the table data encompassed by each table bounding box to a markup language representation (Col. 21, lines 46 – 51, Alam).

Regarding Claim 12, Alam discloses a document processing system comprising:

- a) a processor for executing programs (Fig. 2, item 151, Col. 4, lines 61 – 64, Alam); and
- b) a table identification program (Col. 4, lines 43 – 46, Alam) for receiving a page description language representation of a document (Col. 6, lines 24 – 28, Alam), the page description language representation providing a list of words in the document (Col. 6, lines 57 – 59, words, Alam) and position information for the words (Col. 6 and 7, lines 54 – 57 and 60 – 63;

⁶ Wherein examiner interprets the linked table of contents page as the table bounding box claimed.

respectively, X and Y coordinates, Alam), and for automatically identifying table data in the document based on the page description language representation of the document and at least one table identifying feature (Col. 7, lines 26 – 28 and 32 – 35, Alam), wherein the identification program includes a bounding box generation module for receiving the list or words (Col. 2, lines 40 – 44, Alam⁸) and for automatically generating a table bounding box for each table in the document based on the number of work clusters in each line (Col. 2 and 12, lines 40 – 44 and 47 – 52; respectively, Alam⁹).

Regarding Claim 15, Alam discloses a document processing system of claim 13 wherein the table identification program further comprises:

b3) a conversion module (Fig. 6, item 628, Col. 6, lines 41 – 45, converter, Alam) coupled to the bounding box generation module for receiving the table bounding box for each table in the document (Fig. 6, item 612, Col. 6, lines 35 – 40, ACROBAT CAPTURE and ACROBAT WRITER, Alam), and for converting the words encompassed by the table bounding box into a markup language representation that maintains the table structure of each table (Col. 6, lines 42 – 47, Alam).

Regarding Claim 16, Alam discloses a method wherein the step of automatically identifying table data in the document based on the page description language

⁷ Wherein examiner interprets the step of adding a selected word (Col. 9, lines 63 – 65, Alam) as the step of expanding each table bounding box claimed.

⁸ Wherein examiner interprets the linked table of contents page as the table bounding box claimed.

⁹ Wherein examiner interprets the linked table of contents page as the table bounding box claimed.

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representation of the document and at least one table identifying feature further comprises:

b1) automatically identifying table data in the document based on one or more table headings (Col. 2, lines 39 – 44, Alam).

Regarding Claim 17, Alam discloses a method wherein the step of automatically identifying table data in the document based on the page description language representation of the document and at least one table identifying feature further comprises:

b1) automatically identifying table data in the document based on one or more horizontal lines (Fig 15B, Col. 14, lines 38 – 43, five rows, Alam) and vertical lines that separate rows or columns of the table (Fig. 15C, Col. 14, lines 46 – 49, two columns, Alam).

Prior Art Made Of Record

1. Alam et al. (US Patent No. 6,336,124 B1, filed: October 1, 1998) discloses conversion data representating a document to other formats for manipulation and display.
2. Egger et al. (US Patent No. 6,233,571 B1) discloses a method and apparatus for indexing searching and displaying data.


Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Giovanna Colan
Examiner
Art Unit 2162
April 27, 2006


JOHN BREENE
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